

ATTACHMENT 13

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL ROBOT) Lead Case No.:
ANTITRUST LITIGATION,) 3:21-cv-03825-VC

-----)
THIS DOCUMENT RELATES TO:)
ALL CASES)
-----)

SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,) Case No.
) 3:21-cv-03496-VC

Plaintiff,)

vs.)

INTUITIVE SURGICAL, INC.,)

Defendant.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

REMOTE PROCEEDINGS OF THE
DEPOSITION OF STAN HAMILTON
FRIDAY, NOVEMBER 4, 2022

REPORTED BY NANCY J. MARTIN
CSR. NO. 9504, RMR, RPR
PAGES 1 - 112

1 hospitals. Of course, Baylor Scott came up today, but
2 there were others. There were hospital systems
3 involved. Not single hospitals, but hospital systems
4 that did central service, things like that.

5 But I don't recall which hospitals came --
6 the documents came from. I just -- at this time, it's
7 been a while.

8 Q. What documents did you see that came from
9 hospitals that you're thinking of in your prior
10 answers?

11 A. At this point in my memory, I could just
12 describe them generally, but they were memos and
13 things sent to the hospitals that either changed
14 terms, put new terms on the services that Intuitive
15 provided. Things like that, but I don't remember
16 specifics at this point.

17 Q. The -- we're talking about the Si -- the
18 process that Rebotix used to reset Si instruments. Am
19 I right that one of the key steps was the addition of
20 the interceptor chip to an endoWrist in order to reset
21 the number of lives?

22 MR. CORRIGAN: Object to the form.

23 MR. ERWIG: Same objection.

24 THE WITNESS: There was a part of the process
25 which did include a modification similar to what

1 you're describing, yes.

2 BY MR. LAZEROW:

3 Q. Does the term interceptor chip mean anything
4 to you in the context of Rebotix's efforts with the Si
5 endoWrists?

6 A. Yes. It was mainly just an internal name as
7 part of the development project that ended up being
8 externalized, but yes.

9 Q. The -- the process -- does -- sitting here
10 today, does Rebotix have a process that it is
11 following to try to reset Xi endoWrist instruments?

12 MR. ERWIG: Object to form.

13 THE WITNESS: I would say the way to answer
14 that most clearly is that there is a process under
15 development which has not been released yet.

16 BY MR. LAZEROW:

17 Q. Does that process include the use of the
18 interceptor chip?

19 A. No.

20 Q. Has -- sitting here today, has Rebotix
21 figured out how to circumvent the usage counter on Xi
22 endoWrist instruments?

23 MR. ERWIG: Objection. Form.

24 THE WITNESS: Substantially, yes.

25 BY MR. LAZEROW:

1 Q. But not 100 percent?

2 A. Meaning if the process is fully developed and
3 ready to implement, not 100 percent.

4 Q. What is missing from the process in order --
5 what is missing from the process to fully develop and
6 implement the ability to reset the usage of Xi
7 endoWrist instruments?

8 MR. ERWIG: Object to form.

9 THE WITNESS: Final procedures, testing,
10 validation, same things we had to go through for the
11 Si. All the testing that has to be done, and is now
12 in progress, but it takes time.

13 BY MR. LAZEROW:

14 Q. I want to make sure I understand your
15 testimony.

16 Are you saying that from a technical
17 standpoint, Rebotix has actually reset the usage
18 calendar of an Xi endoWrist instrument as of today?

19 MR. ERWIG: Object to form.

20 THE WITNESS: I'm not sure how you're even
21 defining that. Have we done that in the marketplace?
22 I said no. Have we done the technical equivalent of
23 that. I said yes. And there are many steps between
24 the technical equivalent and releasing it into the
25 marketplace.

1 BY MR. LAZEROW:

2 Q. I'm sorry. Were you done? I apologize.
3 Were you done with your answer?

4 A. Uh-huh.

5 Q. So I'm not talking about release in the
6 marketplace. I'm not talking about anything related
7 to marketing. I'm only focusing from a technical
8 aspect in your work -- in the work that Rebotix has
9 done, whether Rebotix has, in fact, technologically
10 speaking, from a technical standpoint, has gotten an
11 endoWrist, and Xi endoWrist and has reset the usage
12 counter so that it has the original number of lives
13 that were on it when it was sold new?

14 MR. CORRIGAN: Object to the form.

15 MR. ERWIG: Same objection.

16 THE WITNESS: Again, we have done the
17 technical part of that process. So in other words,
18 doing something on a lab bench, doing something in the
19 final validated form, validating with a robot, those
20 kinds of things. Technically, the process of
21 modifying locations in the RFID at now memory chip,
22 yes, has been done.

23 MR. ERWIG: Also, I just want to quickly
24 interject that we're going to mark this "Attorney's
25 Eyes Only."